

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**GERALD D. DUNLAP, JR., et al.,
Plaintiffs,**

v.

**CALIBER HOME LOANS, INC.,
Defendant.**

:
:
:
:
:
:
:
:
:

**CIVIL ACTION
NO. 16-5679**

ORDER

AND NOW, this 10th day of August, 2017, upon consideration of Defendant's Motion to Dismiss (Dkt No. 3) and Plaintiffs' Response thereto (Dkt No. 7), it is hereby **ORDERED** that Defendant's Motion is **GRANTED** in part and **DENIED** in part.

Defendant's Motion is **GRANTED** as it relates to Count II of the Complaint. Count II of Plaintiffs' Complaint is hereby **DISMISSED** with prejudice.

Defendant's Motion is **DENIED** as it relates to Count I of the Complaint.

An Order scheduling the parties' Rule 16 Conference with the Court will issue forthwith.

BY THE COURT:

/s/ C. Darnell Jones, II

C. DARNELL JONES, II J.